

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 2:06-CR-94-WKW
)	
WILLIE DAVIS DEWHART)	

UNOPPOSED MOTION TO CONTINUE HEARING

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and as grounds for the Motion to Continue Hearing, states as follows:

1. A hearing to determine defendant's mental competency is presently set for April 10, 2008, at 2:00 p.m.
2. The undersigned AUSA has been assigned this case and it is her understanding from a review of the file and court record in this case, that an independent psychological evaluation was to have been conducted by a Dr. Daniel Koch of Mobile, Alabama. The undersigned has not received, nor does the Court record reflect filing of, results and reports of any defense expert's examination of the defendant's mental condition, pursuant to Federal Rule of Criminal Procedure 12.2(c)(3).
3. The Government would request that the Court continue this matter to allow defendant to comply with the requirements of Rule 12.2(c)(3). In the alternative, the Government requests that the Court follow the procedure set out in F.R.Cr.P. 12.2(d)(2) and exclude any expert testimony/evidence which has not been disclosed to the Government as of the time of filing of this motion.

4. Attorney for Defendant, Susan G. James, has been contacted and has no objections to continuing and re-scheduling the hearing in this matter. Additionally, Ms. James indicated her belief that she may still be actively involved in the trial of United States v. Jones, Cr. No. 2:05-cr-215-MEF.

Based on the facts stated above, the United States respectfully requests a continuance of the hearing.

Respectfully submitted this 9th day of April, 2008.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY

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CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Susan G. James.

Respectfully submitted,

LEURA G. CANARY
UNITED STATES ATTORNEY

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